

AMENDED IN ASSEMBLY AUGUST 23, 2001

AMENDED IN SENATE JUNE 19, 2001

AMENDED IN SENATE MAY 22, 2001

**SENATE BILL**

**No. 1055**

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**Introduced by Senator Morrow**

February 23, 2001

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An act to amend Section 2772 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1055, as amended, Morrow. Public Utilities Commission: customer priorities.

(1) Existing law requires the Public Utilities Commission to establish priorities among the types or categories of customers of every electrical corporation and every gas corporation, and among the uses of electricity or gas by those customers. In establishing those priorities, the commission is required, among other things, to identify those customers and uses that provide the most important public benefits and serve the greatest public need in descending order of priority.

This bill would require the commission to also include as a consideration when establishing these priorities a determination of unacceptable jeopardy or imminent danger to public health and safety that creates substantial likelihood of severe health risk requiring medical attention. The bill would also require the commission to consider the effect of providing a high priority to some customers on nonpriority customers.

(2) This bill would declare that it is to take effect immediately as an urgency ~~statue~~ *statute*.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.— Section 2772 of the Public Utilities Code is~~  
2     ~~amended to read:~~

3     ~~2772. In establishing the priorities pursuant to Section 2771,~~  
4     ~~the commission shall include, but not be limited to, a consideration~~  
5     ~~of all the following:~~

6     ~~(a) A determination of the customers and uses of electricity and~~  
7     ~~gas, in descending order of priority, that provide the most~~  
8     ~~important public benefits and serve the greatest public need.~~

9     ~~(b) A determination of the customers and uses of electricity and~~  
10    ~~gas that are not included under subdivision (a).~~

11    ~~(c) A determination of the economic, social, and other effects~~  
12    ~~of a temporary discontinuance in electrical or gas service to the~~  
13    ~~customers or for the uses determined in accordance with~~  
14    ~~subdivision (a) or (b).~~

15    ~~(d) A determination of unacceptable jeopardy or imminent~~  
16    ~~danger to public health and safety that creates substantial~~  
17    ~~likelihood of severe health risk requiring medical attention.~~

18    ~~(e) Any curtailment or allocation rules, orders, or regulations~~  
19    ~~issued by any agency of the federal government.~~

20    ~~(f) The commission shall also consider the effect of providing~~  
21    ~~a high priority to some customers on those customers who do not~~  
22    ~~receive a high priority.~~

23    ~~SECTION 1. Section 2772 of the Public Utilities Code, as~~  
24    ~~amended by Section 1 of Chapter 2 of the Statutes of 2001, Second~~  
25    ~~Extraordinary Session, is amended to read:~~

26    ~~2772. In establishing the priorities pursuant to Section 2771,~~  
27    ~~the commission shall include, but not be limited to, a consideration~~  
28    ~~of all the following:~~

29    ~~(a) A determination of the customers and uses of electricity and~~  
30    ~~gas, in descending order of priority, which that provide the most~~  
31    ~~important public benefits and serve the greatest public need.~~

32    ~~(b) A determination of the customers and uses of electricity and~~  
33    ~~gas which that are not included under subdivision (a).~~

(c) A determination of the economic, social, and other effects of a temporary discontinuance in electrical or gas service to the customers or for the uses determined in accordance with subdivision (a) or (b).

(d) A determination of the potential effect of extreme temperatures on the health and safety of residential customers. In making this determination, the commission shall do all of the following:

(1) Consult with appropriate medical experts and review appropriate literature and research.

(2) Consider whether providing priority to customers experiencing extreme temperatures would result in increased outage frequency and duration for remaining customers and its effect on the health and safety of those remaining customers.

(3) To the extent the commission determines it is in the public interest to provide priority to customers that experience extreme temperatures, it shall provide that priority only when temperatures are extreme.

(4) Consider whether alternative measures are appropriate, including, but not limited to, reducing the duration of the outage or imposing the outage earlier or later in the day.

*(e) A determination of unacceptable jeopardy or imminent danger to public health and safety that creates substantial likelihood of severe health risk requiring medical attention.*

*(f) Any curtailment or allocation rules, orders, or regulations issued by any agency of the federal government.*

*(g) The commission shall also consider the effect of providing a high priority to some customers on those customers who do not receive a high priority.*

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to immediately protect the public's health and safety, including, but not limited to, the elderly and disabled residents who reside in the state's 1,200 skilled nursing facilities and who depend on the ability of those facilities to provide quality care in a safe, low-stress environment, and to maintain temperature control, lighting, infection control, and the use of technologically

- 1 advanced medical equipment, it is necessary that this act take
- 2 effect immediately.

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